

REMARKS

Paragraph 1

Applicant notes and protests the withdrawal of the previous indication of allowability. The newly cited art is so obviously unrelated to the subject matter of the claimed invention that the action is seen to be of doubtful motivation.

Paragraph 2

The Examiner, in paragraph 2, has rejected the claims (14 and 15) on the basis that they are perceived to be anticipated by *Hershey* (US 6,329,928). Applicant vigorously contests this position.

The Examiner takes the position that all of the elements of claim 14 are taught in *Hershey*. In Paragraph 2 it is stated that "means for generating a quasi-static non-propagating electromagnetic field within said structure" is taught at column 3 lines 40-57 of *Hershey*. This is clearly false. There is nothing in the cited language, nor anywhere else in the *Hershey* patent which teaches the generation of a quasi-static non-propagating field. The field generated in *Hershey* is a standard induction field, which is by nature propagating. Nothing about this is quasi-static.

Ordinary electromagnetic fields are propagating. It takes special care and effort to generate a non-propagating field, such as is taught and claimed by Applicant. The quasi-static aspect of the field of Applicant's invention is also unique. *Hershey* is a standard induced electrical field which propagates from floor to floor through the building framework by further induction and acts as a carrier for the specialized information (meter readings) desired. There is absolutely nothing in the teachings of *Hershey* to indicate that the field induced is quasi-static non-propagating, as required in the claims of Applicant.

Applicant asserts that the claims, as presented, are already specifically distinguished from the teachings of *Hershey* and the other art cited by the inclusion of the requirement that the field be quasi-static and non-propagating, so that further restrictions based on frequency are unnecessary. However, it is also noted that the frequencies utilized in the two systems are several orders of magnitude removed. In order to function at all in the environment of *Hershey*, the induced flux is in the

frequency range of about 30 Hz (see column 3, line 42 and column 4 lines 52-59). To the contrary, Applicant's electromagnetic field system operates in the MHz (MegaHertz) range (see page 12 lines 2-10). The signal carrier of *Hershey* utilizes wavelengths nearly in the gravitic range, which are so long that no conceivable grid size would be large in comparison. The concept of the relationship between the wavelength and the grid size is essentially irrelevant to *Hershey*.

Another aspect of *Hershey* is that, while it may be considered, in a very broad sense, to be a "communications system" it is extremely limited as such. The specification makes it clear (column 4 line 53) that signaling is accomplished at half a bit per second. The limitations of the *Hershey* system place an upper limit on the information density of the communication. While this may be sufficient for the narrow purposes addressed by *Hershey* where small amounts of data are collected over long periods of time, these teachings are of little or no value for the real-time communications purposes of Applicant.


Applicant notes that the limitations in claim 14 are sufficient to clearly distinguish from the teachings of the prior art and that the further limitations of dependent claim 15 need not be considered separately.

Accordingly, the rejections based on perceived anticipation by the teachings of *HERSHEY* are not well founded and should be withdrawn.

Paragraph 3

The reference to the *Nealy* patent (5,926,137) is noted. It is agreed that this should not be relied upon in any way as the radiating antenna concept of *Nealy* is clearly unrelated to the teachings, purposes or claims of Applicant.

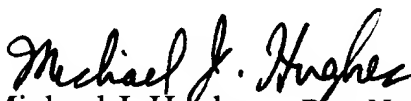
Serial No.: 09/340218
Electromagnetic Field Communications System, etc.
Chadwick, George G.

Ex. West,  wis G.
Art Unit: 2682
Att. Ref. 60607.300101

Conclusion

Having responded to all of the paragraphs of the Office Action, and having amended the claims accordingly, Applicant respectfully submits that the Application is now in condition for allowance. Applicant therefore respectfully requests that a Notice of Allowance be forthcoming at the Examiner's earliest opportunity. Should the Examiner have any questions or comments with regard to this amendment, a telephonic conference at the number set forth below is respectfully requested.

Respectfully submitted,



Date: 26 November 2003

Michael J. Hughes – Reg. No 29,077

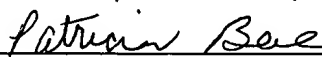
IPLO® Intellectual Property Law Offices
1901 South Bascom Avenue, Suite 660
Campbell, California 95008
Telephone: (408) 558-9950
Direct Tel: (408)-558-7890
Facsimile: (408) 558-9960
Email michaelh@iplo.com

Customer No. 32112

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I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited on 11/26, 2003 with the U.S. Postal Service as first class mail in an envelope addressed to: MS NOV FEE Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 11/26, 2003



Patricia Beilmann